



**Kooragang Water Pty Ltd**  
**WIC Act licence application**  
**13 April 2022**

**Attachment 15:**  
**AquaNet Retail Supplier's Licence**



# **NEW SOUTH WALES GOVERNMENT**

***WATER INDUSTRY COMPETITION ACT 2006***

## **RETAIL SUPPLIER'S LICENCE**

**AquaNet Sydney Pty Ltd (ABN 11 131 235 124)**



**New South Wales**

**Water Industry Competition Act 2006**

**Grant of Retail Supplier's Licence  
Licence No. 10\_01R**


I, Phillip Costa MP, Minister for Water, under section 10 of the  
*Water Industry Competition Act 2006*, grant a retail supplier's licence to:

AquaNet Sydney Pty Ltd (ABN 11 131 235 124)

to supply water by means of water industry infrastructure.

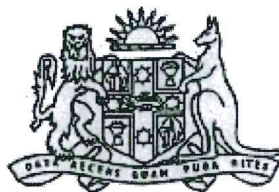
Subject to:

- a) the conditions imposed by the *Water Industry Competition Act 2006*,
- b) the conditions imposed under clause 9(a) and set out in Parts 1 and 2 of  
Schedule 1 of the *Water Industry Competition (General) Regulation 2008*,
- c) the conditions imposed by the Minister in the attached Schedule A, and
- d) the standard conditions imposed by the Minister in the attached Schedule B  
being standard Ministerially-imposed licence conditions for retail suppliers in  
the water industry.

  
.....

Minister for Water

Dated this 10<sup>th</sup> day of March 2010



## New South Wales

### Water Industry Competition Act 2006 Section 15

#### Notice of Decision Variation of Licence Conditions Licence No. 10\_01R

I, The Hon. Niall Blair MLC, Minister for Lands and Water, under section 15 of the *Water Industry Competition Act 2006*, have considered and accept the recommendations made by the Independent Pricing and Regulatory Tribunal of New South Wales (IPART) in its report to me on the 5-year review of the retail supplier's licence granted to AquaNet Sydney Pty Ltd (ACN 131 235 124) (licence no. 10\_01R), to vary the existing conditions of the licence and impose new conditions on the licence. I attach a copy of IPART's report (**Attachment A**).

I have had regard to the licensing principles set out in section 7 of the Act in considering whether to vary the existing conditions of the licence or impose new conditions on the licence.

For the reasons set out above, I have therefore determined to vary the conditions of and impose new conditions on the retail supplier's licence no. 10\_01R as follows:

- (i) Delete Schedule A and replace with new Schedule A (attached to this notice).
- (ii) Delete Schedule B and replace with new Schedule B (attached to this notice).

I hereby attach a copy of the licence, as varied (**Attachment B**).

A handwritten signature in blue ink, appearing to be 'Niall Blair', written over a dotted line.

The Hon. Niall Blair, MLC  
Minister for Lands and Water

Dated this 18<sup>th</sup> day of December 2016

## **SCHEDULE A - SPECIAL MINISTERIALLY-IMPOSED LICENCE CONDITIONS FOR AQUANET SYDNEY PTY LTD'S RETAIL SUPPLIER'S LICENCE**

This schedule sets out the conditions which the Minister imposes pursuant to section 13(1)(b) of the Act. In addition to these special Ministerially-imposed conditions, the Licensee is subject to obligations imposed by the Act, the Regulation and the standard Ministerially-imposed licence conditions set out in Schedule B. The Minister may vary the conditions in this schedule or impose new conditions, provided there is no inconsistency with the conditions imposed on the Licensee by the Act or the Regulation.

### **A1 Activities authorised - non-potable water**

A1.1 This Licence authorises the Licensee and any authorised persons specified in Table 1.1:

- a) to supply water by means of the water industry infrastructure specified in Table 1.2;
  - b) for one or more of the authorised purposes specified in Table 1.3;
  - c) to the persons or classes of persons specified in Table 1.4;
  - d) within the area of operations specified in Table 1.5,
- subject to the conditions imposed by or under the Act, the Regulation and this Licence.

#### **Table 1.1 Authorised persons**

None

#### **Table 1.2 Water industry infrastructure**

Water industry infrastructure specified in Schedule A, Clause A.1 of network operator's licence 09\_002, as varied from time to time.

#### **Table 1.3 Authorised purposes**

*[Not applicable]*

#### **Table 1.4 Persons or classes of persons**

Owners and occupiers of sites and premises within the specified areas of operations set out in Table 1.5 of this licence.

#### **Table 1.5 Area of operations**

Area of operations specified in Schedule A, Clause A.1 of network operator's licence 09\_002, as varied from time to time.

### **A2 Activities authorised – drinking water**

*[Not applicable]*

#### **Table 2.1 Authorised persons**

*[Not applicable]*

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**Table 2.2 Water industry infrastructure**

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*[Not applicable]*

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**Table 2.3 Authorised purposes**

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*[Not applicable]*

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**Table 2.4 Area of operations**

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*[Not applicable]*

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**A3 Activities authorised – sewerage services**

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*[Not applicable]*

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**Table 3.1 Authorised persons**

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*[Not applicable]*

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**Table 3.2 Water industry infrastructure**

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*[Not applicable]*

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**Table 3.3 Authorised purposes**

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*[Not applicable]*

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**Table 3.4 Area of operations**

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*[Not applicable]*

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**INTERPRETATION AND DEFINITIONS****Interpretation**

In this Schedule A, unless the context requires otherwise:

- (i) the singular includes the plural and vice versa;
- (ii) headings are used for convenience only and do not affect the interpretation of this Schedule A;
- (iii) a reference to a document includes the document as modified from time to time and any document replacing it;
- (iv) a reference to a “person” includes a natural person and any body or entity whether incorporated or not;
- (v) a reference to a clause is to a clause in this Schedule A;
- (vi) a reference to a schedule is to a schedule to this Licence;
- (vii) a reference to a law or statute includes regulations, rules, codes and other instruments under it, and consolidations, amendments, re-enactments or replacements of them; and
- (viii) explanatory notes do not form part of this Licence, but in the case of uncertainty may be relied on for interpretation purposes.

## Definitions

Expressions used in this Schedule A that are defined in the Act or the Regulation have the meanings set out in the Act or the Regulation.

In this Schedule A:

Act	means the <i>Water Industry Competition Act 2006</i> (NSW).
Licence	means this retail supplier's licence granted under section 10 of the Act.
Licensee	means the person to whom this Licence is granted under section 10 of the Act.
Minister	means the Minister responsible for Part 2 the Act.
Regulation	means the <i>Water Industry Competition (General) Regulation 2008</i> (NSW).

## **SCHEDULE B - STANDARD MINISTERIALLY-IMPOSED LICENCE CONDITIONS FOR ALL LICENSED RETAIL SUPPLIERS**

This schedule sets out the standard conditions which the Minister imposes on the Licensee and all other licensed retail suppliers pursuant to section 13(1)(b) of the Act. In addition to these standard Ministerially-imposed conditions, the Licensee is subject to obligations imposed by the Act, the Regulation and the special Ministerially-imposed licence conditions set out in Schedule A. The Minister may vary the conditions in this schedule or impose new conditions, provided there is no inconsistency with the conditions imposed on the Licensee by the Act or the Regulation.

### **B1 Ongoing capacity to operate**

- B1.1 The Licensee must have the technical, financial and organisational capacity to carry out the activities authorised by this Licence. If the Licensee ceases to have this capacity, it must report this to IPART immediately in accordance with the Reporting Manual.

### **B2 Obtaining appropriate insurance**

- B2.1 Before commencing to supply water through the Specified Water Industry Infrastructure under this Licence, the Licensee must:
- a) obtain insurance that is appropriate for the size and nature of the activities authorised under this Licence;
  - b) provide a copy of each certificate of currency of the insurance obtained to IPART; and
  - c) demonstrate that the insurance obtained is appropriate for the size and nature of the activities authorised under this Licence by providing a report to IPART from an Insurance Expert that:
    - i) certifies that in the Insurance Expert's opinion, the type and level of the insurance obtained by the Licensee is appropriate for the size and nature of the activities authorised under the Licence; and
    - ii) is in the form prescribed by the Reporting Manual.

B2.2 *[Not applicable]*

B2.3 *[Not applicable]*

B2.4 *[Not applicable]*

B2.5 *[Not applicable]*

B2.6 *[Not applicable]*

### **B3 Maintaining appropriate insurance**

- B3.1 The Licensee must maintain insurance that is appropriate for the size and nature of the activities authorised under this Licence.
- B3.2 The Licensee must provide a copy of each certificate of currency of the insurance maintained by the Licensee to IPART in accordance with the Reporting Manual.



B3.3 If there is, or is to be a change in:

- a) the insurer or underwriting panel in respect of an insurance policy held by the Licensee, or
- b) the type, scope or limit on the amount of insurance held by the Licensee, in relation to the activities authorised under this Licence,

in relation to the activities authorised under this Licence, the Licensee must provide a report to IPART in accordance with the Reporting Manual.

B3.4 From time to time when requested in writing by IPART, the Licensee must provide a report to IPART, in the manner, form and time specified by IPART, from an Insurance Expert certifying that in the Insurance Expert's opinion the type and level of the insurance held by the Licensee is appropriate for the size and nature of the activities authorised under this Licence.

*[Note: The situations in which IPART may request a report under clause B3.4 include (but are not limited to) the following:*

- *when IPART has reason to believe that there may be a change in the type or level of insurance held by the Licensee in relation to activities authorised under this Licence;*
- *where there is a change in the type or extent of activities authorised under this Licence; or*
- *when IPART or an approved auditor has reason to believe that the type or level of insurance held by the Licensee may not be appropriate for the size and nature of the activities authorised under this Licence.]*

#### **B4 Complying with NSW Health requirements**

B4.1 The Licensee must carry out the activities authorised by this Licence in compliance with any requirements of NSW Health that:

- a) IPART has agreed to; and
- b) are notified from time to time to the Licensee by IPART in writing.

#### **B5 Complying with Audit Guidelines from IPART**

B5.1 The Licensee must comply with any Audit Guidelines issued by IPART.

#### **B6 Reporting in accordance with the Reporting Manual**

B6.1 The Licensee must prepare and submit reports in accordance with the Reporting Manual.

#### **B7 Reporting information in relation to the Register of Licences**

B7.1 Within 14 days of any change in relation to the following, the Licensee must notify IPART, and provide details, of the change in accordance with the Reporting Manual:

- a) any licensed network operator or public water utility from whose water industry infrastructure the Licensee supplies water to its customers;
- b) any source from which the water handled by the water industry infrastructure referred to in paragraph (a) is derived;
- c) whether or not any of the Licensee's customers are Small Retail Customers; or

- d) any order under section 54 of the Act by which the Licensee is declared to be a retailer of last resort.
- e) *[Not applicable]*
- f) *[Not applicable]*
- g) *[Not applicable]*

## **B8 Provision of copy of Plan**

B8.1 Whenever the Licensee makes a significant amendment to a Plan, the Licensee must provide a copy of the amended Plan to IPART at the same time that it provides a copy to the approved auditor engaged to prepare a report as to the adequacy of the amended Plan, as required under the Regulation.

## **B9 Delineating responsibilities**

B9.1 If a code of conduct has not been established under clause 25 of the Regulation, the Licensee must establish a code of conduct (Licensee's Code of Conduct) in accordance with this clause B9.

B9.2 The Licensee's Code of Conduct must set out the respective responsibilities of:

- a) the Licensee; and
- b) each licensed network operator, licensed retail supplier and/or public water utility that:
  - i) supplies water, provides sewerage services or
  - ii) constructs, maintains or operates
 any other water industry infrastructure in the Specified Area of Operations, by, at a minimum, providing for:
- c) if the Specified Water Industry Infrastructure is connected to any other water industry infrastructure, who is responsible for repairing, replacing or maintaining the Specified Water Industry Infrastructure;
- d) who is responsible for water quality;
- e) who is liable in the event of the unavailability of water;
- f) who is liable in the event of failure of the Specified Water Industry Infrastructure;
- g) the fees and charges payable in respect of the use of the Specified Water Industry Infrastructure; and
- h) who is responsible for handling customer complaints.

B9.3 Before commencing to supply water or provide sewerage services through the Specified Water Industry Infrastructure under this Licence or by a later date specified by IPART (if any), the Licensee's Code of Conduct must be agreed in writing between the Licensee and the other licensed network operators, licensed retail suppliers and/or public water utilities referred to in clause B9.2.

B9.4 *[Not applicable]*

B9.5 The Licensee must not contravene the Licensee's Code of Conduct to the extent that it makes the Licensee responsible or liable for the matters set out in it.

**B10 Notification of changes to Authorised Person**

- B10.1 If an Authorised Person ceases, proposes to cease, or receives notification to cease providing any of the services relating to the activities authorised by this Licence, the Licensee must provide IPART with written notice as soon as practicable, but no later than 28 days before the date of cessation of the services. The written notice must include details of how the services previously undertaken by the Authorised Person will continue to be undertaken.

**B11 Infrastructure to be used**

- B11.1 The Licensee must only source and supply water by means of water industry infrastructure maintained and operated by a licensed network operator or public water utility.
- B11.2 *[Not applicable]*

**B12 Notification of operation**

- B12.1 This clause B12 applies each time the Licensee has commenced to supply water or provide sewerage services through any of the Specified Water Industry Infrastructure under this Licence.

The Licensee must:

- a) notify IPART in accordance with the Reporting Manual that it has commenced to supply water through the relevant Specified Water Industry Infrastructure; and
- b) provide such notification within 10 days after such commencement.

- B12.2 *[Not applicable]*

**INTERPRETATION AND DEFINITIONS**

**Interpretation**

In this Schedule B, unless the context requires otherwise:

- (i) the singular includes the plural and vice versa;
- (ii) headings are used for convenience only and do not affect the interpretation of this Schedule B;
- (iii) a reference to a document includes the document as modified from time to time and any document replacing it;
- (iv) a reference to a "person" includes a natural person and any body or entity whether incorporated or not;
- (v) a reference to a clause is to a clause in this Schedule B;
- (vi) a reference to a schedule is to a schedule to this Licence;
- (vii) a reference to a law or statute includes regulations, rules, codes and other instruments under it, and consolidations, amendments, re-enactments or replacements of them; and
- (viii) explanatory notes do not form part of this Licence, but in the case of uncertainty may be relied on for interpretation purposes.

## Definitions

Expressions used in this Schedule B that are defined in the Act or the Regulation have the meanings set out in the Act or the Regulation.

In this Schedule B:

Act	means the <i>Water Industry Competition Act 2006</i> (NSW).
Audit Guidelines	means the document entitled "Audit Guideline – Water Industry Competition Act 2006" which is prepared by IPART and is available on IPART's website at <a href="http://www.ipart.nsw.gov.au">www.ipart.nsw.gov.au</a> , and any other guidelines issued by IPART in relation to audits under the Act.
Insurance Expert	means an insurance broker which holds an Australian financial services licence under Part 7.6 of the <i>Corporations Act 2001 (Cth)</i> that authorises the broker to provide financial product advice for, and deal in, contracts of insurance within the meaning of Chapter 7 of that Act.
IPART	means the Independent Pricing and Regulatory Tribunal of New South Wales established under the <i>Independent Pricing and Regulatory Tribunal Act 1992</i> (NSW).
Licence	means this retail supplier's licence granted under section 10 of the Act.
Licensee	means the person to whom this Licence is granted under section 10 of the Act.
Licensee's Code of Conduct	has the meaning given in clause B9.1.
Minister	means the Minister responsible for Part 2 of the Act.
NSW Health	means the Water Unit of NSW Ministry of Health and any of the local health districts as defined by the NSW Ministry of Health.
Plan	means the retail supply management plan that the Licensee is required to prepare under the Regulation.
Regulation	means the <i>Water Industry Competition (General) Regulation 2008</i> (NSW).
Reporting Manual	means the document entitled "Retail Supplier's Reporting Manual," which is prepared by IPART and is available on IPART's website at <a href="http://www.ipart.nsw.gov.au">www.ipart.nsw.gov.au</a> .
Small Retail Customer	has the meaning given to that term in the Regulation.

Specified Water Industry  
Infrastructure

means the water industry infrastructure specified in,  
as applicable:

- (i) Schedule A, clause A1, Table 1.2;
- (ii) Schedule A, clause A2, Table 2.2; and
- (iii) Schedule A, clause A3, Table 3.2.



**Kooragang Water Pty Ltd**  
**WIC Act licence application**  
**13 April 2022**

**Attachment 16:**  
**Lightsview Water Retail Licence**



Water

**Licence**



## **Water Industry Retail Licence**

Lightsview Re-Water Supply Co Pty Ltd

ABN 31 156 161 867

Issued by the Essential Services Commission on 19 March 2013.  
Last varied by the Essential Services Commission on 20 June 2018.

## Variation history

Amendment number	Variation date	Reason
ESCOSA01	20 June 2018	Licence transferred from Water Utilities Australia Pty Ltd (ABN 48 129 876 213) to Lightsview Re-Water Supply Co Pty Ltd (ABN 31 156 161 867).  Licence varied to include map of service area.



## 1 Definitions and interpretation

- 1.1 Words appearing in bold like **this** are defined in Part 1 of the Schedule.
- 1.2 This licence must be interpreted in accordance with the rules set out in Part 2 of the Schedule.

## 2 Grant of licence

- 2.1 Subject to the conditions set out in this licence, the **licensee** is licensed under Part 4 of the **Act** to provide the **retail services** specified in Part A of the Annexure to the **customers** specified in Part B of the Annexure.

## 3 Term

- 3.1 This licence commences on the date it is issued and continues until it is:
- (a) surrendered by the **licensee** under section 32 of the **Act**; or
  - (b) suspended or cancelled by the **Commission** under section 33 of the **Act**.

## 4 Fees

- 4.1 The **licensee** must pay the applicable licence fees in accordance with section 24 of the **Act**.

## 5 Sale and supply of retail services to customers

- 5.1 At the request of a **customer** that owns or occupies land situated within the area that the **licensee** provides the **retail services** set out in Part A of the Annexure to this licence, the **licensee** must make an offer to provide those **retail services** on terms and conditions which are consistent with this licence, the **Act**, applicable **industry codes** and any other applicable laws.
- 5.2 When the **licensee** sells and supplies **retail services** to a **customer** under this clause 5 it must comply with the terms and conditions set out in any applicable **industry code** made by the Commission from time to time relating to contractual terms and conditions.

## 6 Compliance with laws and industry codes

- 6.1 The **licensee** must comply with all applicable laws and any technical or safety requirements or standards in regulations under the **Act**.
- 6.2 The **licensee** must notify the **Commission** if it commits a material breach of the **Act** within 3 days of becoming aware of that breach.
- 6.3 The **licensee** must:
- (a) comply with any applicable **industry code** or **industry rule** made by the **Commission** under the **ESC Act** as in force from time to time;
  - (b) comply with any applicable minimum service standards imposed under any applicable **industry code**, **industry rule** or other regulatory instrument made by the **Commission** and any specified technical or safety requirements or standards;

- (c) monitor and report to the **Commission** on its levels of compliance with any applicable **industry code** or **industry rule** provisions and minimum service standards; and
- (d) notify the **Commission** in accordance with any applicable guideline if it commits a material breach of any applicable **industry code** or **industry rule** made by the **Commission** within 3 days of becoming aware of that breach.

## 7 Provision of information to customers

7.1 When the licensee provides **retail services** to a **customer**, the licensee must:

- (a) comply with all applicable provisions of any **industry code** made by the **Commission** relating to the provision of pricing information; and
- (b) include the information prescribed by regulation under the **Act** in each account for **retail services** provided to a **customer**.

## 8 Restriction, discontinuance & disconnection

8.1 The licensee must not restrict, discontinue or disconnect, or take any action which may lead to the restriction, discontinuance or disconnection of supply of **retail services**, except in accordance with the restriction, discontinuance and disconnection procedures set out in the **Act**, any applicable **industry code** or, otherwise, in accordance with the customer's **customer sale contract**.

## 9 Ombudsman and disputes

9.1 The licensee must develop and implement procedures to resolve customer complaints and disputes in accordance with any applicable **industry code** and, for all other **customers**, in accordance with the basic procedures set out in AS ISO 10002-2006 (as amended from time to time).

9.2 In addition to clause 9.1 the licensee must, if notified in writing by the **Commission**, participate in an **Ombudsman Scheme**.

## 10 Accounts and separate businesses

10.1 The licensee must, as required by the **Commission**:

- (a) establish and maintain accounts exclusively in respect of the operations authorised by this licence;
- (b) establish and maintain separate consolidated accounts in respect of the operations authorised by this licence and any other activity which requires authorisation by licence under the **Act**; and
- (c) allocate any costs shared between the operations authorised by this licence and any other activity undertaken by the licensee according to a methodology that is well accepted, fair and reasonable, and transparent.

## 11 Information to the Commission

11.1 The licensee must, from time to time if required by the **Commission** and in a manner and form determined by the **Commission**, provide to the **Commission**:



- (a) details of the licensee's financial, technical and other capacity to continue its operations authorised by this licence; and
  - (b) such other information as the Commission may require.
- 11.2 The licensee must notify the Commission in writing of any changes to its officers or major shareholders (if applicable) within 20 business days of that change occurring.
- 11.3 The licensee must promptly notify the Commission of any significant reduction in its financial capacity which has potential to impact upon the licensee's ability to carry on the operations authorised by this licence.

## 12 Operational and compliance audits

- 12.1 The licensee must undertake periodic audits of the operations authorised by this licence and of its compliance with its obligations under this licence and any applicable industry codes in accordance with the requirements of any applicable guideline issued by the Commission for this purpose.
- 12.2 The licensee must also conduct any further audits at a frequency and in a manner approved by the Commission.
- 12.3 The results of audits conducted under this clause 12 must be reported to the Commission in a manner approved by the Commission.
- 12.4 The Commission may require the licensee to use an independent expert approved by the Commission to conduct audits under this clause 12.
- 12.5 The Commission may require the costs of using an independent expert approved by the Commission to conduct audits under this clause 12 to be met by the licensee.

## 13 Insurance

- 13.1 The licensee must undertake and maintain, during the term of this licence, appropriate and adequate insurance of kinds and levels reflective of the nature of the operations carried on under this licence and the risks associated with those operations.
- 13.2 The licensee must annually provide to the Commission evidence that it holds appropriate insurance to an acceptable level in a form approved by the Commission.

## 14 Customer concessions and community service obligations

- 14.1 If applicable, the licensee must comply with the requirements of any scheme approved and funded by the Minister:
  - (a) for the provision by the State of customer concessions or the performance of community service obligations by the licensee; and
  - (b) for the purposes of providing specified exemptions from the requirement to pay for the specified services.

## 15 Confidentiality

- 15.1 The licensee must, unless otherwise required or permitted by law, this licence or an industry code:
- (a) comply with any rules determined by the Commission from time to time relating to the use of information acquired by the licensee in the course of operating the business authorised by this licence; and
  - (b) ensure that information concerning customers is not disclosed without the explicit informed consent of those customers.

## 16 Variation

- 16.1 This licence may only be varied in accordance with section 28 of the Act.

## 17 Transfer

- 17.1 This licence may only be transferred in accordance with section 29 of the Act.

## 18 Hardship policy

- 18.1 The licensee must comply with the customer hardship policy applying in relation to the licensee under subsection 37(3) of the Act.

This licence was issued by the Commission on 19 March 2013 and last varied on 20 June 2018.

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ESSENTIAL SERVICES )  
COMMISSION of South )  
Australia was hereunto )  
affixed by authority of the )  
ESSENTIAL SERVICES )  
COMMISSION and in the )  
presence of: )



Paul Moore

Commissioner

20 June 2018

Date



# Schedule: Definitions and Interpretation

## Part 1 – Definitions

In this licence:

**Act** means the *Water Industry Act 2012* (SA);

**best endeavours** means to act in good faith and use all reasonable efforts, skill and resources;

**business day** means a day other than a Saturday, Sunday or public holiday in the State of South Australia;

**Commission** means the Essential Services Commission as established under the *ESC Act*;

**consumer** means a person supplied with **retail services** as a consumer or user of those services;

**customer** has the meaning given to that term in the *Act*, namely a person who owns land in relation to which a **retail service** is provided and includes:

- (a) where the context requires, a person seeking the provision of a **retail service**; and
- (b) in prescribed circumstances, a person supplied with **retail services** as a **consumer** or user of those services (without limiting the application of this definition to owners of land); and
- (c) a person of a class declared by the regulations to be customers;

**customer sale contract** means a contract between the licensee and a **customer** for the sale and supply of **retail services** to that **customer**;

**ESC Act** means the *Essential Services Commission Act 2002* (SA);

**industry code** includes any **industry code** made by the **Commission** under section 28 of the *ESC Act*;

**industry rule** includes any **industry rule** made by the **Commission** under section 28 of the *ESC Act*;

**licensee** means Lightsview Re-Water Supply Co Pty Ltd, ABN 31 156 161 867;

**Minister** means the Minister responsible for the administration of the *Act*;

**non-residential customer** means a **customer** other than a **residential customer**;

**Ombudsman Scheme** means an ombudsman scheme, the terms and conditions of which are approved by the **Commission**;

**residential customer** means a **customer** which acquires **retail services** primarily for domestic purposes;

**retail services** has the meaning given to that term in the *Act*, namely a service constituted by:

- (a) the sale and supply of **water** to a person for use (and not for resale other than in prescribed circumstances (if any)) where the water is to be conveyed by a reticulated system; or
- (b) the sale and supply of **sewerage services** for the removal of **sewage**,

(even if the service is not actually used) but does not include any service, or any service of a class, excluded from the ambit of this definition by the regulations;

**sewage** includes any form of waste that may be appropriately removed or dealt with through the use of a **sewerage service**;

**sewerage service** means:

- (a) a service constituted by the collection, storage, treatment or conveyance of **sewage** through the use of a reticulated system; or
- (b) any other service, or any service of a class, brought within the ambit of this definition by the regulations; and

**water** includes rainwater, stormwater, desalinated water, recycled water and water that may include any material or impurities, but does not include **sewage**.

## **Part 2 - Interpretation**

In this licence, unless the context otherwise requires:

- (a) headings are for convenience only and do not affect the interpretation of this licence;
- (b) words importing the singular include the plural and vice versa;
- (c) words importing a gender include any gender;
- (d) an expression importing a natural person includes any company, partnership, trust, joint venture, association, corporation or other body corporate and any governmental agency;
- (e) a reference to any statute, regulation, proclamation, order in council, ordinance or bylaw includes all statutes, regulations, proclamations, orders in council, ordinances or by-laws varying, consolidating, re-enacting, extending or replacing them and a reference to a statute includes all regulations, proclamations, orders in council, ordinances, by-laws and determinations issued under that statute;
- (f) a reference to a document or a provision of a document includes an amendment or supplement to, or replacement or novation of, that document or that provision of that document;
- (g) an event which is required under this licence to occur on or by a stipulated day which is not a **business day** may occur on or by the next business day; and
- (h) a reference to a person includes that person's executors, administrators, successors, substitutes (including, without limitation, persons taking by novation) and permitted assigns.



# ANNEXURE

## Part A – Retail services

Provision of water services in the area set out in Figure 1. Specifically the sale and supply of non-drinking water services and associated infrastructure.

Figure 1 – Map identifying the service area authorised by this licence for the sale and supply of non-drinking water



## Part B – Customers

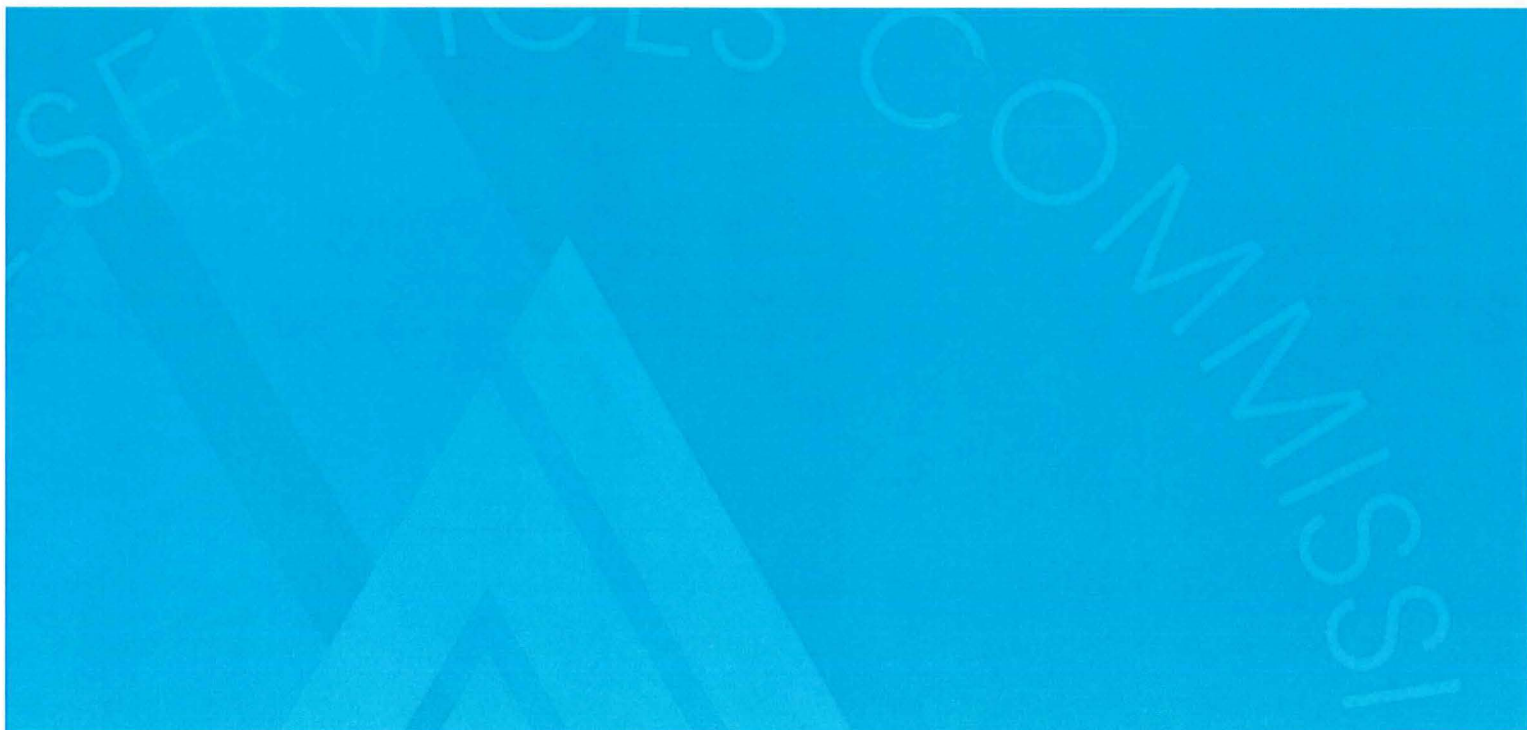
Residential and non-residential customers.





The Essential Services Commission  
Level 1, 151 Pirie Street Adelaide SA 5000  
GPO Box 2605 Adelaide SA 5001  
T 08 8463 4444

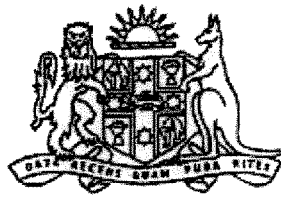
E [escosa@escosa.sa.gov.au](mailto:escosa@escosa.sa.gov.au) | W [www.escosa.sa.gov.au](http://www.escosa.sa.gov.au)





**Kooragang Water Pty Ltd**  
**WIC Act licence application**  
**13 April 2022**

**Attachment 17:**  
**Suez Retail Supplier's Licence**



**NEW SOUTH WALES  
GOVERNMENT**

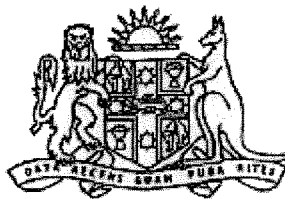
***WATER INDUSTRY COMPETITION ACT 2006  
(NSW)***

**RETAIL SUPPLIER'S LICENCE**

**Licence no. 16\_039R**

**SUEZ Water and Treatment Solutions Pty  
Ltd**

**(ACN 051 950 068)**



## New South Wales

### Water Industry Competition Act 2006 (NSW)

#### Section 10

#### Notice of Decision - Application for a retail supplier's licence by Suez Water and Treatment Solutions Pty Ltd

I, The Hon. Niall Blair MLC, Minister for Lands and Water, have considered and accepted the advice and recommendations made by the Independent Pricing and Regulatory Tribunal (**IPART**) in its report to me on the application by Suez Water and Treatment Solutions Pty Ltd (ACN 051 950 068) (**Applicant**) for a retail supplier's licence under the *Water Industry Competition Act 2006 (NSW)* (**the Act**). I attach IPART's report (**Attachment A**).

Based on my consideration and acceptance of IPART's report:

- (a) I am satisfied that the Applicant is not a disqualified corporation for the purposes of section 10(3)(a) of the Act;
- (b) I am satisfied that the Applicant is not a corporation that is a related entity (within the meaning of the *Corporations Act 2001* (Cth)) of a disqualified corporation that would have a direct or indirect interest in, or influence on, the carrying out of the activities that the licence would authorise for the purposes of section 10(3)(b) of the Act; and
- (c) I am satisfied as to each of the criteria set out in section 10(4) of the Act.

I have also had regard to the licensing principles set out in section 7 of the Act in considering whether or not to grant the licence and what conditions should be imposed on any such licence granted.

Under section 10 of the Act, for the reasons set out above, I have decided to grant a retail supplier's licence to the Applicant, subject to the conditions set out in licence number 16\_039R, the Act and the *Water Industry Competition (General) Regulation 2008* (NSW). I hereby attach the licence (**Attachment B**).

A handwritten signature in dark ink, appearing to be 'Niall Blair', written over a dotted line.

The Hon. Niall Blair, MLC  
Minister for Lands and Water

Dated this 12<sup>th</sup> day of December 2016.

## **LICENCE SCOPE**

### **ACTIVITIES AUTHORISED UNDER THE LICENCE AND AREA OF OPERATIONS**

#### **S1 Activities authorised - non-potable water supply**

S1.1 This Licence authorises the Licensee and any authorised persons specified in Table 1.1 to supply non-potable water:

- a) to the persons or classes of persons specified in Table 1.2; and
- b) within the area of operations specified in Table 1.3,

subject to the conditions imposed by or under the Act, the Regulation and Schedules A and B of this Licence.

S1.2 The non-potable water referred to in this section S1 may only be used for one or more of the following authorised purposes:

- a) industrial process water;
- b) cooling towers; and
- c) on-site reuse.

##### **Table 1.1 Authorised persons**

---

Kooragang Water Pty Ltd (ACN 609 789 808)

---

##### **Table 1.2 Persons or classes of persons**

---

Any person other than a Small Retail Customer.

---

##### **Table 1.3 Area of operations**

---

Newcastle City Council local government area.

---

#### **S2 Activities authorised – drinking water supply**

S2.1 This Licence authorises the Licensee and any authorised persons specified in Table 2.1 to supply drinking water:

- a) to the persons or classes of persons specified in Table 2.2; and
- b) within the area of operations specified in Table 2.3,

subject to the conditions imposed by or under the Act, the Regulation and Schedules A and B of this Licence.

##### **Table 2.1 Authorised persons**

---

Kooragang Water Pty Ltd (ACN 609 789 808)

---

##### **Table 2.2 Persons or classes of persons**

---

Any person other than a Small Retail Customer.

---

##### **Table 2.3 Area of operations**

---

Newcastle City Council local government area.

---

**S3 Activities authorised – sewerage services**

*[Not applicable]*

**Table 3.1 Authorised persons**

*[Not Applicable]*

**Table 3.2 Persons or classes of persons**

*[Not Applicable]*

**Table 3.3 Area of operations**

*[Not Applicable]*

## **SCHEDULE A - SPECIAL MINISTERIALLY-IMPOSED LICENCE CONDITIONS FOR SUEZ WATER AND TREATMENT SOLUTIONS PTY LTD'S RETAIL SUPPLIER'S LICENCE**

This schedule sets out the conditions which the Minister imposes pursuant to section 13(1)(b) of the Act. In addition to these special Ministerially-imposed conditions, the Licensee is subject to obligations imposed by the Act, the Regulation and the standard Ministerially-imposed licence conditions set out in Schedule B. The Minister may vary the conditions in this schedule or impose new conditions, provided there is no inconsistency with the conditions imposed on the Licensee by the Act or the Regulation.

No conditions apply to this licence.

## **SCHEDULE B - STANDARD MINISTERIALLY-IMPOSED LICENCE CONDITIONS FOR LICENSED RETAIL SUPPLIERS UNDER THE ACT**

This schedule sets out the standard conditions which the Minister imposes on the Licensee and other licensed retail suppliers pursuant to section 13(1)(b) of the Act. In addition to these standard Ministerially-imposed conditions, the Licensee is subject to obligations imposed by the Act, the Regulation and the special Ministerially-imposed licence conditions set out in Schedule A. The Minister may vary the conditions in this schedule or impose new conditions, provided there is no inconsistency with the conditions imposed on the Licensee by the Act or the Regulation.

### **B1 Ongoing capacity to operate**

- B1.1 The Licensee must have the technical, financial and organisational capacity to carry out the activities authorised by this Licence. If the Licensee ceases to have this capacity, it must report this to IPART immediately in accordance with the Reporting Manual.

### **B2 Obtaining appropriate insurance**

- B2.1 *[Not applicable]*

- B2.2 The Licensee must:

- a) on the date on which this Licence is granted for the activities authorised under this Licence:
  - i) hold insurance that is appropriate for the size and nature of the activities authorised under this Licence; and
  - ii) provide a copy of each certificate of currency of the insurance obtained to IPART; and
- b) within 6 months of the date on which this License is granted or by a later date specified by IPART (if any) demonstrate that the insurance held is appropriate for the size and nature of the activities authorised under this Licence by providing a report to IPART from an Insurance Expert that:
  - i) certifies that in the Insurance Expert's opinion, the type and level of the insurance held by the Licensee is appropriate for the size and nature of the activities authorised under the Licence; and
  - ii) is in the form prescribed by the Reporting Manual.

- B2.3 *[Not applicable]*

- B2.4 *[Not applicable]*

- B2.5 *[Not applicable]*

- B2.6 *[Not applicable]*

### **B3 Maintaining appropriate insurance**

- B3.1 The Licensee must maintain insurance that is appropriate for the size and nature of the activities authorised under this Licence.
- B3.2 The Licensee must provide a copy of each certificate of currency of the insurance maintained by the Licensee to IPART in accordance with the Reporting Manual.
- B3.3 If there is to be a change in:



- a) the insurer or underwriting panel in respect of an insurance policy held by the Licensee; or
  - b) the type, scope or limit on the amount of insurance held by the Licensee,
- in relation to the activities authorised under this Licence, the Licensee must provide a report to IPART in accordance with the Reporting Manual.

**B3.4** From time to time when requested in writing by IPART, the Licensee must provide a report to IPART, in the manner, form and time specified by IPART, from an Insurance Expert certifying that in the Insurance Expert's opinion the type, scope or limit on the amount of the insurance held by the Licensee is appropriate for the size and nature of the activities authorised under the licence.

*[Note: The situations in which IPART may request a report under clause B3.4 include (but are not limited to) the following:*

- *when IPART has reason to believe that there may be a change in the type or level of insurance held by the Licensee in relation to activities authorised under this Licence;*
- *where there is a change in the type or extent of activities authorised under this Licence; or*
- *when IPART or an approved auditor has reason to believe that the type or level of insurance held by the Licensee may not be appropriate for the size and nature of the activities authorised under this Licence.]*

#### **B4 Complying with NSW Health requirements**

- B4.1** The Licensee must carry out the activities authorised by this Licence in compliance with any requirements of NSW Health that:
- a) IPART has agreed to; and
  - b) are notified from time to time to the Licensee by IPART in writing.

#### **B5 Complying with Audit Guidelines from IPART**

- B5.1** The Licensee must comply with any Audit Guidelines issued by IPART.

#### **B6 Reporting in accordance with the Reporting Manual**

- B6.1** The Licensee must prepare and submit reports in accordance with the Reporting Manual.

#### **B7 Reporting information in relation to the register of licences**

- B7.1** The Licensee must notify IPART, and provide IPART with details, of any change in relation to the following, in accordance with the Reporting Manual, within 14 days of the change:
- a) any licensed network operator or public water utility from whose water industry infrastructure the Licensee supplies water to its customers;
  - b) any source from which the water handled by the water industry infrastructure referred to in clause B7.1(a) is derived;
  - c) whether or not any of the Licensee's customers are Small Retail Customers; and

- d) any order under section 54 of the Act by which the Licensee is declared to be a retailer of last resort
- e) *[Not applicable]*
- f) *[Not applicable]*
- g) *[Not applicable]*

**B8 Provision of copy of Plan**

- B8.1 Whenever the Licensee makes a significant amendment to a Plan, the Licensee must provide a copy of the amended Plan to IPART at the same time that it provides a copy to the approved auditor engaged to prepare a report as to the adequacy of the amended Plan, as required under the Regulation.

**B9 Delineating responsibilities**

- B9.1 If a code of conduct has not been established under clause 25 of the Regulation, the Licensee must establish a code of conduct (**Licensee's Code of Conduct**) in accordance with this clause B9.

- B9.2 a) The Licensee's Code of Conduct must set out the respective responsibilities of:
- i) the Licensee; and
  - ii) each licensed network operator, licensed retail supplier and/or public water utility that:
    - A) supplies water, provides sewerage services by means of; or
    - B) constructs, maintains or operates, any Specified Water Industry Infrastructure.
- b) The Licensee's Code of Conduct must set out the respective responsibilities of the entities specified in clause B9.2(a) by, at a minimum, providing for:
- i) who is responsible for repairing, replacing or maintaining any pipes, pumps, valves or storages or other infrastructure that is Specified Water Industry Infrastructure;
  - ii) who is responsible for water quality;
  - iii) who is liable in the event of the unavailability of water;
  - iv) who is liable in the event of failure of the Specified Water Industry Infrastructure;
  - v) the fees and charges payable in respect of the use of the Specified Water Industry Infrastructure; and
  - vi) who is responsible for handling customer complaints.

- B9.3 *[Not applicable]*

- B9.4 Within 6 months of the date on which this Licence is granted or by a later date specified by IPART (if any), the Licensee's Code of Conduct must be agreed in writing between the Licensee and the other licensed network operators, licensed retail suppliers and/or public water utilities referred to in clause B9.2.

- B9.5 The Licensee must not contravene the Licensee's Code of Conduct to the extent that it makes the Licensee responsible or liable for the matters set out in it.

**B10 Notification of changes to Authorised Person**

- B10.1 If an Authorised Person ceases, proposes to cease, or receives notification to cease providing any of the services relating to the activities authorised by this Licence, the Licensee must provide IPART with written notice as soon as practicable but no later than 28 days before the date of cessation of the services. The written notice must include details of how the services previously undertaken by the Authorised Person will continue to be undertaken.

**B11 Infrastructure to be used**

- B11.1 The Licensee must only source and supply water by means of water industry infrastructure maintained and operated by or on behalf of a licensed network operator or public water utility.

B11.2 *[Not applicable]*

**B12** *[Not applicable]*

## INTERPRETATION AND DEFINITIONS

### 1. Interpretation

1.1 In this Licence, unless the context requires otherwise:

- a) the singular includes the plural and vice versa;
- b) headings are used for convenience only and do not affect the interpretation of this Licence;
- c) a reference to a document includes the document as modified from time to time and any document replacing it;
- d) a reference to a "person" includes a natural person and any body or entity whether incorporated or not;
- e) a reference to a clause is to a clause in this Licence;
- f) a reference to a schedule is to a schedule to this Licence;
- g) a reference to a law or statute includes regulations, rules, codes and other instruments under it, and consolidations, amendments, re-enactments or replacements of them; and
- h) explanatory notes do not form part of this Licence, but in the case of uncertainty may be relied on for interpretation purposes.

### 2. Definitions

2.1 Expressions used in this Licence that are defined in the Act or the Regulation have the meanings set out in the Act or the Regulation.

2.2 In this Licence:

Act	means the <i>Water Industry Competition Act 2006</i> (NSW).
Audit Guidelines	means the document entitled "Audit Guideline – Water Industry Competition Act 2006" which is prepared by IPART and is available on IPART's website at <a href="http://www.ipart.nsw.gov.au">www.ipart.nsw.gov.au</a> , and any other guidelines issued by IPART in relation to audits under the Act.
Authorised Person	means the authorised persons specified in, as applicable: <ul style="list-style-type: none"><li>a) clause S1, Table 1.1;</li><li>b) clause S2, Table 2.1;</li><li>c) clause S3, Table 3.1.</li></ul>
Insurance Expert	means an insurance broker which holds an Australian financial services licence under Part 7.6 of the <i>Corporations Act 2001</i> (Cth) that authorises the broker to provide financial product advice for, and deal in, contracts of insurance within the meaning of Chapter 7 of that Act.
IPART	means the Independent Pricing and Regulatory Tribunal of New South Wales established under the <i>Independent Pricing and Regulatory Tribunal Act</i>

1992 (NSW).

Licence	means this retail supplier's licence granted under section 10 of the Act.
Licensee	means SUEZ Water and Treatment Solutions Pty Ltd (ACN 051 950 068).
Licensee's Code of Conduct	has the meaning given in Schedule B, clause B9.1.
Minister	means the Minister responsible for Part 2 of the Act.
NSW Health	means the Water Unit of NSW Ministry of Health and any of the local health districts as defined by the NSW Ministry of Health.
Plan	means the retail supply management plan that the Licensee is required to prepare under the Regulation.
Regulation	means the <i>Water Industry Competition (General) Regulation 2008</i> (NSW).
Reporting Manual	means the document entitled "Retail Supplier's Reporting Manual," which is prepared by IPART and is available on IPART's website at <a href="http://www.ipart.nsw.gov.au">www.ipart.nsw.gov.au</a> .
Small Retail Customer	has the meaning given to that term in the Regulation.
Specified Water Industry Infrastructure	means water industry infrastructure through which the non-potable water, drinking water and/or sewerage services under this Licence is supplied.



**Kooragang Water Pty Ltd**  
**WIC Act licence application**  
**13 April 2022**

**Attachment 18:**  
**Suez cancellation letter**



14 April 2022

Craig Heidenreich  
Principal's Representative  
Kooragang Water Pty Ltd  
Suite 1005, 147 Pirie St  
Adelaide SA 5000  
**By email: [CHeidenreich@wua.com.au](mailto:CHeidenreich@wua.com.au)**

Water

Dear Craig,

#### **KIWS IPART Licenses**

This letter serves to confirm our previous discussions on the KIWS IPART Licenses.

I confirm that we consent in principle to the transfer of the KIWS IPART Licenses to KWPL and for the SUEZ Licenses to be cancelled by IPART as a result.

I confirm that this change will be formalised through a Variation to the Operations and Maintenance Agreement.

Please contact me at [mark.lautre@suez.com](mailto:mark.lautre@suez.com) if you have any questions or comments in relation to the above request.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Mark Lautre", with a stylized flourish at the end.

Mark Lautre  
General Manager Operations  
O&M Contractor's Representative